



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.state.nv.us>

Wednesday and Thursday
January 11 - 12, 2006
Beginning at 8:00 a.m. each day at the following locations:

January 11, 2006
Legislative Counsel Bureau
Grant Sawyer Building
555 E. Washington Avenue, Room #4401
Las Vegas, Nevada 89101

January 12, 2006
Public Utilities Commission, Hearing Room A
101 Convention Center Drive, Suite 250
Las Vegas, NV 89109

MINUTES

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,
is available for inspection at the Commission office.

Commission Members Present:
Caren Jenkins, Esq., Chairman; Randall V. Capurro; William Flangas;
Rick Hsu, Esq.; George Keele, Esq.; Jim Kosinski, Esq.

Commission Members absent due to their participation in the panel proceeding:
Timothy Cashman; Mark A. Hutchison, Esq., Vice Chairman

Commission on Ethics Staff Present:
Stacy M. Jennings, Executive Director; Kristin N. Luis, Esq., Commission Counsel;
Adriana G. Fralick, Esq., Senior Investigator & Legal Analyst;
Tami E. DeVries, Research Analyst

Parties Present:
Lynette Boggs-McDonald; John Mowbray, Esq., and Terry B. William, Esq., legal counsel to
Lynette Boggs-McDonald

Witnesses Present:

Assemblyman Morse Arberry; Kathy Besser; Audrie Dodge; State Treasurer Brian Krolicki; Scott Wasserman, legal counsel to the State Treasurer's Office; Kimberly McDonald; Steven McDonald; Eckley M. Keach, Esq., legal counsel to Steven McDonald and Kimberly McDonald; former Assemblyman Wendell Williams; Lawrence Semenza, Esq., legal counsel to Wendell Williams

Others Present:

Media reporters and general public

Wednesday, January 11, 2006

Chairman Jenkins called the meeting to order at 8:10 a.m., on Wednesday, January 11, 2006.

Agenda Item 1 – Approval of the Minutes of the December 12, 2005 Commission Meeting

In open session, Commissioner Kosinski made a motion to approve the minutes of the December 12, 2005 Commission meeting. Commissioner Keele seconded the motion. The motion passed unanimously.

Agenda Item 2 – Request for Opinion 04-77

An open session to hear testimony, receive evidence, deliberate and render an opinion relating to a request for opinion submitted pursuant to NRS 281.511, (2)(b) alleging that certain conduct of Lynette Boggs McDonald, former city councilwoman, City of Las Vegas, violated provisions of NRS 281.481(2) and NRS 281.481(9).

Chairman Jenkins opened this agenda item, by first explaining the procedure for the administrative hearing. She then requested Executive Director Stacy Jennings to present an overview of the complaint. Following Ms. Jennings' overview, staff then played the evidence videotape, which aired on Channel 8 in Las Vegas on September 23, 2004.

Mr. William, counsel for Lynette Boggs McDonald presented two motions in limine for consideration, both motions were denied.

Chairman Jenkins then read stipulated facts into the record which were agreed by Ms. Boggs McDonald and Mr. Mowbray, and which, since true, required no evidence be presented within the hearing. Chairman Jenkins then opened the hearing regarding Request for Opinion No. 04-77, and invited Ms. Boggs McDonalds' counsel to make an opening statement.

At the conclusion of the opening statement by Mr. Mowbray, the Commission called witnesses to testify. Counsel for Mrs. Boggs-McDonald was provided the opportunity to cross-examine each witness.

The first witness was Wendell Williams, followed by State Treasurer Brian Krolicki.

A lunch recess was taken at 12:45 p.m.

The meeting reconvened at 1:20 p.m.

The State Treasurer's Chief of Staff, Kathryn Besser, was the first witness called to testify after the lunch recess, followed by Morse Arberry, Jr. Mr. Arberry's testimony concluded at 2:50 p.m., and a five-minute recess was taken at that time.

Lynette Boggs McDonald was called to testify, followed by a five-minute recess at 4:27 p.m. The next witness called to testify was Steven McDonald.

A twenty-minute recess was taken at 5:55 p.m., and following the recess the Commission called Kimberly McDonald to testify.

Audrie Dodge was called as the final witness for the Nevada Commission on Ethics. She was released from her subpoena at 7:05 p.m., which concluded the examination of witnesses subpoenaed by the Commission.

At that time, Mr. Mowbray called his witnesses. The first witness was Michael Hougen, followed by Douglas Selby, Virginia Valentine, Elizabeth Fretwell, Brad Jerbic, Mark Vincent, and Mary Henderson.

The hearing recessed for the day at 8:20 p.m.

Thursday, January 12, 2006

Chairman Jenkins reconvened the hearing at 8:30 a.m. on Thursday, January 12, 2006.

Chairman Jenkins reopened agenda item 2, an open session to hear testimony, receive evidence, deliberate and render an opinion relating to a request for opinion submitted pursuant to NRS 281.511, (2)(b) alleging that Lynette Boggs McDonald, former city councilwoman, City of Las Vegas, violated provisions of NRS 281.481(2) and NRS 281.481(9).

Mr. Mowbray presented a closing statement. Chairman Jenkins then opened the Commission's deliberations. Each Commissioner was invited to share their thoughts regarding witness testimony and evidence.

Following this opportunity, Commissioner Capurro moved to find that, based on the information provided, Ms. Boggs McDonald did not violate NRS 281.481 subsection 2 or subsection 9. Commissioner Kosinski seconded the motion. Discussion on the motion included whether the Commission should dismiss the complaint, find no violation based on a preponderance of the

evidence, or find no violation. The Executive Director clarified the Commission generally votes to find no violation [or to find a violation]. Commissioner Capurro withdrew the motion with the consent of Commissioner Kosinski.

Commissioner Capurro moved that no violation is found of NRS 281.481(2) or NRS 281.481(9). Commissioner Kosinski seconded the motion. The motion was put to a vote and passed four to one (Commissioner Flangas opposing).

Agenda Item 3 – Open Session for Public Comment

Chairman Jenkins opened this agenda item for public comment. No public comment was made, and the agenda item was closed.

Chairman Jenkins adjourned the meeting at 10:40 a.m.

Minutes transcribed by:

Minutes approved March 9, 2006

Emily H. Nunez, Office Manager

Caren Jenkins, Esq., Chairman